IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.26531 of 2003

Between:

Katam Brahmaiah
S/o.Kotaiah
Sri Sai Cotton Traders
D.no.19-9-22, Suryadevarapeta,
Guntur-522003.

..... PETITIONER

AND

1. The Union of India, rep.by its Secretary,
   Ministry of Finance (Banking Division),
   Jeevandeep Building,
   Sansad Marg, New Delhi-1
2 The Chief Manager/Authorised Officer,
   State Bank of Hyderabad,
   Kothapeta, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more in the nature of Mandamus, declaring the Securitisation and reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 more particularly section 13(2) and 13(4) of the Act as invalid, illegal, and notice dated 26.7.2003, 08.12.2003 and 09.12.2003 as illegal, arbitrary and unconstitutional being violative or Articles 14 and 300-A and set aside the same.

For the Petitioner :Mr. N.V.RAVI KUMAR

For the Respondents : Mr.A.RAJASHEKAR REDDY (SC FOR CG) for R-1

Mr. K.V.Simhadri for R-2

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

To

1. The Secretary, Ministry of Finance (Banking Division),
   Union of India, Jeevandeep Building,
   Sansad Marg, New Delhi-1
2 The Chief Manager/Authorised Officer,
   State Bank of Hyderabad,
   Kothapeta, Guntur.
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